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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
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14 NGOC LAM CHE, an individual  
15 Plaintiff,  
16 vs.  
17 PHI McKEE, LP, a limited partnership,  
18 Defendants.  
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Case No.: 5:16-cv-02759-HRL

**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL OF ENTIRE ACTION WITH  
PREJUDICE PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 41(a)(1)**

1 **PLEASE TAKE NOTICE** that Plaintiff Ngoc Lam Che (“Plaintiff”) pursuant to Federal Rule of  
2 Civil Procedure Rule 41(a)(1), hereby voluntarily dismisses the entire action *with prejudice* pursuant  
3 to Federal Rule of Civil Procedure Rule 41(a)(1) which provides in relevant part:  
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5 (a) **Voluntary Dismissal.**

6 (1) By the Plaintiff.

7 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any  
8 applicable federal statute, the plaintiff may dismiss an action without a court order  
9 by filing:

10 (i) A notice of dismissal before the opposing party serves either an  
11 answer or a motion for summary judgment.

12 Defendants PHI McKEE, LP, has neither answered Plaintiff’s Complaint, nor filed a motion for  
13 summary judgment. Accordingly, this matter may be dismissed without prejudice and without an  
14 Order of the Court.

15 ASCENSION LAW GROUP, PC

16 DATE: September 28, 2016

17 /s/ Pamela Tsao

18 Pamela Tsao, attorney for Plaintiff

19 Ngoc Lam Che  
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